

21 January 1974

Note for IBM file:

STATINTL

NSA, advises that they have provided a highly classified listing of NSA documents being withheld. This listing is for the eyes of the judge alone. Its purpose is not to comply ~~to~~ WITH the court's order, but to expose the judge to the nature of the problem. The listing consists of one sheet of paper to a file, summarizing the contents of the file with dates. The Deputy Director/NSA is going to New York during the third week of February with sample documents, but NSA is still pressing the judge to come down to NSA for a briefing.

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Approved For Release 2002/08/06 : CIA-RDP78-01092A000100050010-4

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U.S. v. REYNOLDS

345 U.S. at 7-8
(comparative evidentiary
value of documents sought)

U.S. v. MARCHETTI

466 F2d 1309, 1318

(Court ill-equipped to
review classification)

EPSTEIN v. RESOR 421 F2d
630

PAN-AM v. AETNA CAS + SURETY Co.

"intelligence" sought would
not have enhanced significantly
the factual knowledge needed
for this lawsuit.

IBM Conf

STATOTHR

10/10/73 CHARLES R. ESHERICK, [redacted]

STATOTHR

DOT ANTI-TRUST DIV. 187X 2492

Wants to come over next week to see if we can't produce some records in response to court order.

DOT has set up rough schedule on trial 1. BY JAN 1974 - interview, and party deposition, pre-trial conference etc. 2. Try case in Sept.

TELEX decision has changed things some.

IBM wants info. on procurement and evaluation of computers. Feel we must have stuff they can see. Feel court will not be sympathetic to our privilege plea. He obviously can't fathom "sources + methods".

STATINTL

10/12/73

[redacted] NSA - "He will talk to Escherick next week."

STATINTL

10/16/73

[redacted] will call 10/19 for appt wk 10/22 suggests limited stipulations by CIA + NSA

STATINTL

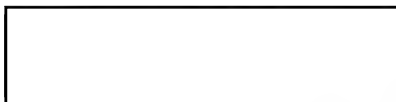
STATINTL
11/1

[redacted] suggests [redacted]
from Trepps staff for computer expertise +
broad knowledge Agency computer exp
for discussion with DOJ.

11/

STATINTL

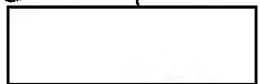
11/8



NSA

Told Asherick will provide memorandum of laws for presentation at next pre-trial hearing in about two weeks. Told Asherick must hold line - AEC + DIA also difficult -

STATINTL



says basic rules on computers in Intel Community are in DCID 6/3

Ad Bradley IR9 1160 coordinating re-write.
reg also DCID 1/16

Judge wants CIA to produce

1. list of docs w/4

- OR -

2. categorization + generalization about types of docs w/4 + why we can't produce.

Mastering on privilege -

possibility of statistics for IC being made - wait. as a lump.

Arising, sections of sensitive docs.

Written interview in light of prod of docs.
EVER →

Use TB schedule of rec. time
order #11, to describe info
interested in.

Who will appear for CIA to explain
why doc cannot be produced?

11/19 DOJ/KATZ XZ561

Told him most offices offering
something (declassification - sterilized
copies - listings for examination
by FBI at CIA)

He thinks sterilized Xerox
copies will be acceptable.

STATINTL

14 February 1973 DCI, DDI and DDP advised that all responsive documents produced for original search. They have no such documents in Records Center. DDS&T [] has directed their offices to complete search and segregation of inactive files at Records Center by 23 March. DDS has only OL files at Records Center. [] advises that OL has about 250 unclassified files possibly pertinent. Search involves about four man-weeks of work, and can be completed about mid-March. I advised DOJ (Fitzgerald) that we would have stored files available for inspection about the end of March.

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21 FEB. 1973 DOJ/FITZGERALD AGREED TO PRODUCTION OF XEROX COPIES. [] ADVISED.

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29 MARCH 1973 [] DDS&T X4248 CONFIRMS THAT ALL THEIR MATERIAL NOW IN [] HANDS. [] AWAITING MATERIAL SENT BY NPIE & TSD. THIS WILL COMPLETE SEARCH & HE WILL CALL ME WHEN HE RECEIVES IT.

STATINTL

2 APRIL '73 - TOLD DOJ/FITZGERALD WERE READY WITH ABOUT 7 1/2" UNCLASSIFIED. HE WILL CALL ^{ME} WHEN IBM WANTS TO INSPECT.

6 APRIL 1973 - IBM INSPECTION TOOK PLACE. (ABOUT 2 1/2 HRS) COPIED 39 DOCUMENTS.

26 JUNE 1973 SENT COPIES HELMS AFFIDAVITS OF 18 JAN. & 27 APRIL '73 TO W.J. BURKE, SECURITY OFFICER, IBM. []

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[] THIS AT BURKE'S REQUEST IN RESPONSE TO HIS REQUEST FOR CLEARANCES FOR IBM REPS. TO EXAMINE CIA CLASSIFIED DOCUMENTS